

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

GALVESTON DIVISION

GALLERIA COLLISION, INC.	§	
	§	
VS.	§	CIVIL ACTION NO. G-11-019
	§	
ALLIED PROPERTY AND CASUALTY	§	
INSURANCE COMPANY	§	

OPINION AND ORDER

On February 11, 2011, pursuant to this Court's Order dated February 7, 2011, Plaintiff, Galleria Collision, Inc. (Galleria), filed its Amended Notice of Claim; on February 16, 2011, Defendant, Allied Property and Casualty Insurance Company (Allied) filed an objection to the Amended Notice claiming that the factual allegations asserted by Galleria are still, in its opinion, insufficient to comply with the requirements of the Texas Insurance Code.

The Court has reviewed Galleria's Amended Notice and, despite Allied's arguments to the contrary, finds that the Notice letter provides enough detail for Allied "to grasp the basis" of Galleria's complaint, namely that "Allied flatly denied coverage. . . failed to properly inspect the roof, awnings, exterior stucco, metal and glass store front, overhead doors, exterior lights, and interior water damage, and other areas of the property . . . and failed to reply in any way" to "Galleria's requests for additional detail or information justifying the denial of coverage." See Richardson v. Foster & Sear, LLP, 257 S.W.3d 782, 786 (Tex. App. -- Fort Worth, 2008) Undoubtedly, the letter could have included more "facts," however, this Court has no inclination to haggle over what degree of factual specificity will be necessary to ultimately declare a Notice

letter regarding hurricane damage to be sufficient or to demand that Galleria filed amended Notice letters until, in the opinion of Allied, Galleria gets it right.

It is, therefore, the **ORDER** of this Court that Allied's "Objection to Plaintiff's Notice of Claim" is **OVERRULED**.

It is further **ORDERED** that the automatic termination date of the abatement previously imposed by this Court **REMAINS Monday, April 18, 2011**.

It is further **ORDERED** that the **Status / Scheduling Conference, by Telephone, with counsel of record, REMAINS set for Friday, April 22, 2011, at 10:30 a.m..**

DONE at Galveston, Texas, this 22nd day of February, 2011.



John R. Froeschner
United States Magistrate Judge